



## Final Regulation Agency Background Document

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| <b>Agency name</b>                                 | Agriculture and Consumer Services  |
| <b>Virginia Administrative Code (VAC) citation</b> | 2 VAC 5-140, becomes 2 VAC 5-141   |
| <b>Regulation title</b>                            | Health Requirements Governing The Admission Of Livestock, Poultry, Companion Animals, And Other Animals Or Birds Into Virginia                                       |
| <b>Action title</b>                                | Repeals the existing regulatory language and replaces it with animal entry requirements consistent with other state and national animal health trends and priorities |
| <b>Date this document prepared</b>                 | April 13, 2011   |

This information is required for executive branch review and the Virginia Registrar of Regulations, pursuant to the Virginia Administrative Process Act (APA), Executive Orders 36 (2006) and 58 (1999), and the *Virginia Register Form, Style, and Procedure Manual*.

### Brief summary

*Please provide a brief summary (no more than 2 short paragraphs) of the proposed new regulation, proposed amendments to the existing regulation, or the regulation proposed to be repealed. Alert the reader to all substantive matters or changes. If applicable, generally describe the existing regulation. Also, please include a brief description of changes to the regulation from publication of the proposed regulation to the final regulation.*

This regulatory action proposes to repeal the current regulations concerning the requirements for entry of agricultural, companion, and other animals into Virginia; and enact in its place a regulatory framework for such consistent with the current status of interstate animal disease control and eradication programs and traceability requirements. Substantive changes include clarified animal identification requirements for certain classes of imported animals, strengthened tuberculosis testing requirements for cattle, alignment of sheep and goat entry requirements with current scrapie control programs, and provision for free movement of agricultural animals from neighboring states to facilitate marketing. The current regulation has not been amended since 1989.

### Statement of final agency action

*Please provide a statement of the final action taken by the agency including (1) the date the action was taken, (2) the name of the agency taking the action, and (3) the title of the regulation.*

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On August 9, 2011 the Board of Agriculture and Consumer Services adopted as final 2 VAC 5-141, *Health Requirements Governing The Admission Of Livestock, Poultry, Companion Animals, And Other Animals Or Birds Into Virginia*; to replace 2 VAC 5-140 similarly titled.

### Legal basis

*Please identify the state and/or federal legal authority to promulgate this proposed regulation, including (1) the most relevant law and/or regulation, including Code of Virginia citation and General Assembly chapter numbers, if applicable, and (2) promulgating entity, i.e., agency, board, or person. Describe the legal authority and the extent to which the authority is mandatory or discretionary.*

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Section 3.2-5902 of the Code of Virginia authorizes the Board of Agriculture and Consumer Services to adopt regulations as may be necessary to establish the health of certain pet animals imported into Virginia.

Section 3.2-6001 of the Code of Virginia authorizes the Board of Agriculture and Consumer Services to adopt regulations in coordination with other states and the USDA to protect the livestock and poultry of Virginia.

Section 3.2-6002 of the Code of Virginia authorizes the Board of Agriculture and Consumer Services to adopt regulations as may be necessary to prevent, control or eradicate infectious or contagious diseases in livestock and poultry in Virginia.

### Purpose

*Please explain the need for the new or amended regulation. Describe the rationale or justification of the proposed regulatory action. Detail the specific reasons it is essential to protect the health, safety or welfare of citizens. Discuss the goals of the proposal and the problems the proposal is intended to solve.*

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The current regulations concerning the importation of animals into Virginia are outmoded. In the two decades since their enactment, significant changes have occurred concerning the priorities and methodology of state, federal and international animal disease and marketing programs. Primary among these changes have been those impacting the control of bovine tuberculosis, and those pertaining to animal disease traceability of agricultural animals in interstate trade. The proposed regulation will bring Virginia current with federal and other state animal movement requirements, and therefore ensure that Virginia animal producers and owners are not placed at a disadvantage in interstate trade as well as protect the continuing viability of agricultural and companion animal industries. As Virginia is a net exporter of agricultural animals, the Virginia animal entry requirements should minimize the risk of disease introduction and allow rapid response and control should such occur, while at the same time allow for unimpeded commerce.

The proposed regulation also rectifies other identified deficiencies in the current regulation. Definitions are strengthened to fully encompass the scope of animals imported into the state, in order to ensure that

all animal species are properly accounted for and subject to reasonable and appropriate requirements. Exemptions to entry requirements for companion animals granted by the Code of Virginia are accounted for in the proposed regulation, removing existing inconsistencies. Outdated testing requirements for goats and camelids are removed in order to facilitate the development of these industries. Significant concessions have been granted to ensure the viability of Virginia's livestock marketing system. These changes will have a significant impact on the practicality of application of this regulation.

## Substance

*Please identify and explain the new substantive provisions, the substantive changes to existing sections, or both where appropriate. A more detailed discussion is required under the "All changes made in this regulatory action" section.*

The proposed new regulation contains substantive changes to the existing regulation. These apply to the definitions used in the regulation, required components of Certificates of Veterinary Inspection (CVIs), the identification of certain classes of imported agricultural animals, and the entry requirements for specific classes of animals. They are as follows:

- Definitions – Scientific nomenclature has been used to define specific classes of animals, in order to ensure that all species of interest are captured under the defined word.
- CVIs – The required components of CVIs have been updated to reflect current animal disease traceability requirements.
- Animal Identification – The proposed regulation clarifies identification of certain classes of agricultural animals. Identification of imported animals will enhance the ability for such animals to be traced, which is of crucial importance to mitigating any potential disease risk they may place to Virginia animal populations.
- Avian – The proposed regulations will now be applicable to all classes of birds entering Virginia, and will reference the State Veterinarian's proclamation concerning avian influenza. This will give maximum flexibility in ensuring that imported birds do not pose a threat to Virginia's economically significant poultry industry. Testing requirements for poultry have been modified or eliminated.
- Cattle – The proposed regulation requires tuberculosis testing of certain classes of cattle, regardless of their origin. This change is in keeping with the requirements of many other states, and reflects the current concern regarding a resurgence of bovine tuberculosis. Virginia is a net exporter of cattle; it is critical that it remains considered free of tuberculosis for cattle.
- Companion Animals – The proposed regulation takes into account the exemptions granted to the entry of certain companion animals by the Code of Virginia. The current regulation creates an apparent inadvertent inconsistency with the Code in this regard.
- Goats and Sheep – The proposed regulation brings goat and sheep entry requirements consistent with 2 VAC 5-206, concerning the control of scrapie. It also removes testing requirements for certain classes of goats to better reflect the risk posed to Virginia animal populations.
- Horses – The proposed regulation accounts for the adoption of equine interstate event permits in lieu of CVIs by Virginia and other signatory states.
- Other Ruminants – The proposed regulation ties the importation requirements of other ruminants to the health status of cattle in the state of origin. This will allow for additional testing requirements for other ruminants to be applicable as necessary, and otherwise not create trade barriers. This will have significant impact on the importation of camelids into Virginia, by greatly reducing the testing requirements such animals currently bear under most circumstances.
- Swine – The proposed regulations modernize Virginia's swine entry requirements in response to industry and federal changes.

- Primates – The proposed regulation imposes identification requirement for the importation of primates under certain conditions.

**Issues**

*Please identify the issues associated with the proposed regulatory action, including:*  
 1) *the primary advantages and disadvantages to the public, such as individual private citizens or businesses, of implementing the new or amended provisions;*  
 2) *the primary advantages and disadvantages to the agency or the Commonwealth; and*  
 3) *other pertinent matters of interest to the regulated community, government officials, and the public. If there are no disadvantages to the public or the Commonwealth, please indicate.*

The predominant issues associated with the proposed regulation apply to clarifying identification requirements for agricultural animals and the strengthening of tuberculosis testing requirements for cattle and other dairy animals. In regard to agricultural animal disease traceability, the enhanced CVI and animal identification requirements are directly linked to international country of origin labeling requirements. CVIs have always required animal identification; the proposed regulation clarifies what will be considered appropriate identification for certain classes of agricultural animals. The proposed regulation is designed to offer significant flexibility to select an appropriate traceability system for importers of animals, while at the same time ensuring a framework is in place to ensure that Virginia will remain able to export animals to other markets; easing of importation identification requirements may in turn place significant hurdles to those exporting animals.

The proposed regulation strengthens the tuberculosis testing requirements for cattle entering Virginia, in response to concern regarding the resurgence of bovine tuberculosis in recent years. Under the current regulation, cattle are exempt from testing if they originate from a state or region considered free of tuberculosis by the USDA whereas other animals of lower risk, such as goats and South American camelids, are subject to testing regardless of origin. The proposed regulation in fact reverses this situation, mandating testing for all cattle (as well as goats and sheep used for dairying purposes) over 12 months of age. All other ruminants (including camelids and non-dairying goats and sheep) are not subject to testing requirements if they originate from an area considered free of tuberculosis for cattle. These proposed regulations better serve to protect Virginia’s cattle industry from the threat of introduction of tuberculosis, while at the same time not presenting onerous requirements to other animal industries. Sufficient exemptions for cattle exist in the proposed regulation to protect the cattle slaughter and marketing industries from adverse impact.

Other changes in the proposed regulation should be of benefit to the affected industries, by way of facilitating trade, eliminating outdated or unnecessary testing requirements, or achieving parity with the requirements of neighboring states.

**Changes made since the proposed stage**

*Please describe all changes made to the text of the proposed regulation since the publication of the proposed stage. For the Registrar’s office, please put an asterisk next to any substantive changes.*

| Section number | Requirement at proposed stage | What has changed | Rationale for change |
|----------------|-------------------------------|------------------|----------------------|
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| 5-141-10 | <i>"Approved livestock market"</i> means a livestock market under inspection by the State Veterinarian.  | <i>"Approved livestock market"</i> means a livestock market approved by the United States Department of Agriculture in accordance with 9 CFR 71.20 and under inspection by the State Veterinarian.  | This change clarifies that livestock markets, as defined in this regulation, must be approved by the United State Department of Agriculture as meeting certain requirements to engage in interstate commerce. |
| 5-141-10 | None   | <i>"Dairy type"</i> means all cattle of or primarily of a dairy or dual-purpose breed of cattle including but not limited to cattle of the Ayrshire, Brown Swiss, Guernsey, Holstein, Jersey, Milking Shorthorn, or similar breeds to include castrated males of such breeds.   | This addition is necessary to clarify an exemption from identification requirements added to 5-141-70 for cattle 18 months of age or younger not of a dairy type intended for feeding purposes.               |
| 5-141-10 | <i>"Other ruminants"</i> means all members of the order Artiodactyla not otherwise defined herein as cattle, goats, sheep, or swine; to include camelidae and cervidae imported for exhibition purposes.   | <i>"Other ruminants"</i> means all members of the order Artiodactyla not otherwise defined herein as cattle, goats, sheep, or swine; to include camelidae and cervidae.   | This change clarifies that all camelidae and cervidae, not just those imported for exhibition purposes, are considered other ruminants.   |
|          | <i>"Poultry"</i> means all domestic fowl, and game birds and ratites raised in captivity to include, but not be limited to, chickens, turkeys, ducks, geese, ratites, and game birds such as quail or partridge.   | <i>"Poultry"</i> means all domestic fowl, ratites, and game birds raised in captivity to include, but not be limited to, chickens, turkeys, ducks, geese, ratites, and game birds such as quail or partridge.   | This change clarifies that the phrase "raised in captivity" applies only to game birds.   |
| 5-141-20 | All agricultural animals, companion animals, or any other animals or birds of any species imported into Virginia, except livestock for immediate slaughter, shall be accompanied by a certificate of veterinary inspection, which shall be attached to the waybill or shall be in the possession of the person in charge of such animals or birds, and a copy of such certificate shall be forwarded promptly to the State Veterinarian. | All agricultural animals, companion animals, or any other animals or birds of any species imported into Virginia, except as otherwise exempted by this regulation, shall be accompanied by a certificate of veterinary inspection, which shall be attached to the waybill or shall be in the possession of the person in charge of such animals or birds, and a copy of such certificate shall be forwarded promptly to the State Veterinarian. | This change is necessary to clarify that there are additional circumstances other than slaughter under which an animal can enter Virginia without a CVI.  |
| 5-141-30 | B. Official identification for cattle can be:  | B. Official identification for cattle can be:   | This change allows for a USDA back tag to be  |

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|           | <p>1. Ear tag or other permanently affixed device bearing a unique identification number issued by an official state or federal program;</p> <p>2. Ear tag or other permanently affixed device bearing a unique identification number issued by a performance registry, animal identification registry, producer cooperative, or other marketing association provided such make record of the issuance available to the State Veterinarian; or</p> <p>3. Other forms of identification approved by the USDA or the State Veterinarian.</p>   | <p>1. Ear tag or other permanently affixed device bearing a unique identification number issued by an official state or federal program;</p> <p>2. USDA back tag only for cattle consigned directly to slaughter; or</p> <p>3. Other forms of identification approved by the State Veterinarian.</p>  | <p>considered official identification for cattle entering Virginia consigned directly to slaughter, aligns Virginia's identification requirements with those proposed by the USDA, and gives the State Veterinarian full authority to approve all other identification systems at his discretion.</p> |
| 5-141-30  | <p>C. Official identification for goats and sheep can be:</p> <p>1. Official ear tags which are approved by the USDA for use in the Scrapie Eradication Program or the Scrapie Flock Certification Program;</p> <p>2. For goats exempt from identification required by the Scrapie Eradication Program, an ear tag or other affixed device bearing a unique identification number issued by an official state or federal program, or a breed, performance, or marketing association that allows the State Veterinarian access to records of such;</p> <p>3. Legible official registry tattoo if accompanied by a registration certificate; and</p> <p>4. Devices approved by the State Veterinarian that contain a premises identification issued by the state of origin in combination with a unique animal number.</p> | <p>C. Official identification for goats and sheep can be:</p> <p>1. Official ear tags which are approved by the USDA for use in the Scrapie Eradication Program or the Scrapie Flock Certification Program;</p> <p>2. For goats exempt from identification required by the Scrapie Eradication Program, an ear tag or other affixed device bearing a unique identification number issued by an official state or federal program, or a USDA back tag only for such goats consigned directly to slaughter;</p> <p>3. Legible official registry tattoo if accompanied by a registration certificate; or</p> <p>4. Other forms of identification approved by the State Veterinarian.</p> | <p>This change allows for a USDA back tag to be considered official identification for certain classes of goats entering Virginia consigned directly to slaughter, and gives the State Veterinarian full authority to approve all other identification systems at his discretion.</p>                 |
| 5-141-60* | <p>A. All entry of birds into Virginia must be in compliance with the testing and all other requirements of the State Veterinarian's Avian Influenza (H5 and N7) Proclamation dated December</p>   | <p>A. All entry of birds into Virginia must be in compliance with the testing and all other requirements of the State Veterinarian's Avian Influenza (H5 and N7) Proclamation dated December</p>  | <p>This change is necessary to ensure that the regulation reflects the fact that the State Veterinarian has the statutory authority to by proclamation set temporarily stricter avian</p>   |

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|           | 2009. Certificates of veterinary inspection must be dated in accordance with said proclamation.  | 2009 unless temporarily superseded by a valid proclamation issued pursuant to Section 3.2-6010 of the Code of Virginia and posted on the Virginia Regulatory Town Hall. Certificates of veterinary inspection or reports issued by a laboratory approved by any state or federal animal health authority must be dated in accordance with said proclamation.  | entry requirements in response to a specific avian influenza threat, and that such proclamation would supersede the proposed regulation. It also makes a technical clarification concerning the fact that poultry may enter Virginia without a CVI if accompanied by official test reports.                                 |
| 5-141-60  | 4. Poultry and hatching eggs shall not be shipped into Virginia until final approval has been granted and the permit is received.  | 4. Poultry and hatching eggs shall not be shipped into Virginia until final approval has been granted and the approval number is received.  | This change is a technical clarification; approval numbers are not permits as defined in the proposed regulation.   |
| 5-141-60  | E. Exemptions for hatching eggs and poultry, providing the hatching eggs or poultry remain subject to the State Veterinarian's Avian influenza (H5 and H7) Proclamation dated December 2009. | E. Exemptions for hatching eggs and poultry, providing the hatching eggs or poultry remain subject to the State Veterinarian's Avian influenza (H5 and H7) Proclamation dated December 2009 unless temporarily superseded by a valid proclamation issued pursuant to Section 3.2-6020 of the Code of Virginia, published in the Virginia Register of Regulations and posted on the Virginia Regulatory Town Hall. | This change is necessary to ensure that the regulation reflects the fact that the State Veterinarian has the statutory authority to by proclamation set temporarily stricter avian entry requirements in response to a specific avian influenza threat, and that such proclamation would supersede the proposed regulation. |
| 5-141-60  | F. Exemptions for birds other than poultry, providing the birds remain subject to the State Veterinarian's Avian influenza (H5 and H7) Proclamation dated December 2009.                     | F. Exemptions for birds other than poultry, providing the birds remain subject to the State Veterinarian's Avian influenza (H5 and H7) Proclamation dated December 2009 unless temporarily superseded by a valid proclamation issued pursuant to Section 3.2-6020 of the Code of Virginia, published in the Virginia Register of Regulations and posted on the Virginia Regulatory Town Hall.                     | This change is necessary to ensure that the regulation reflects the fact that the State Veterinarian has the statutory authority to by proclamation set temporarily stricter avian entry requirements in response to a specific avian influenza threat, and that such proclamation would supersede the proposed regulation. |
| 5-141-70* | A. All cattle entering Virginia must bear official identification, and such official identification number must be noted on the  | A. All cattle entering Virginia must bear official identification, and such official identification number must be noted on the   | This change will make the proposed regulations consistent with federal policy concerning the  |

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|           | <p>certificate of veterinary inspection. If multiple cattle of similar breed, age and sex are listed on the certificate of veterinary inspection sequential identification numbers may be summarized.</p>   | <p>certificate of veterinary inspection. If multiple cattle of similar breed, age and sex are listed on the certificate of veterinary inspection sequential identification numbers may be summarized. This requirement shall not apply to cattle 18 months of age or younger provided such cattle are not of a dairy type and are imported into Virginia for feeding purposes only.</p>   | <p>identification of cattle in interstate commerce; cattle that are not of a dairy type, are 18 months of age or younger, and intended for feeding purposes for eventual slaughter will be exempted from identification requirements.</p>       |
| 5-141-70* | <p>B. All cattle 12 months of age or older require a negative caudal fold or comparative cervical tuberculin test within 60 days prior to entry into Virginia.</p>  | <p>B. All cattle 18 months of age or older require a negative caudal fold or comparative cervical tuberculin test within 60 days prior to entry into Virginia.</p>  | <p>This change will better facilitate the movement of young animals for short-term feeding or rearing; such movement across state lines is common. It also standardizes testing and identification requirements for non-dairy type animals.</p> |
| 5-141-70* | <p>F. Cattle from a farm of origin in a state adjoining Virginia and from a region therein considered free of tuberculosis and brucellosis for cattle by the USDA may enter Virginia for the purpose of sale at an approved livestock market without a certificate of veterinary inspection and without tuberculosis testing if otherwise required provided:<br/>                     1. Such cattle bear required individual identification; and<br/>                     2. The approved livestock market maintains for at least 2 years and makes available to the State Veterinarian a record of the consignor of such cattle, the identification numbers of the cattle he consigns, and the buyer of such.</p> | <p>F. Cattle from a region considered free of tuberculosis and brucellosis for cattle by the USDA may enter Virginia for the purpose of sale at an approved livestock market without a certificate of veterinary inspection and without tuberculosis testing if otherwise required provided:<br/>                     1. All cattle offered for sale at the approved livestock market excepting cattle 18 months of age or younger not of a dairy type and intended for feeding purposes bear official individual identification upon entry to the approved livestock market or have such applied at the approved livestock market; and<br/>                     2. The approved livestock market maintains for at least 5 years and makes available to the State Veterinarian a record of the consignor of such cattle, the identification numbers as required of the cattle he consigns, and the buyer of</p> | <p>This change institutes language that better reflects the logistics of the livestock marketing system, and accommodates the identification exemption described above.</p>   |

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|           |   | such.  |   |
| 5-141-90* | A. All goats and sheep entering Virginia must be officially identified, and such official identification number must be noted on the certificate of veterinary inspection. If multiple goats or sheep of similar breed, age and sex are listed on the certificate of veterinary inspection sequential identification numbers may be summarized. | A. All goats and sheep entering Virginia must be officially identified, and such official identification number must be noted on the certificate of veterinary inspection. If multiple goats or sheep of similar breed, age and sex are listed on the certificate of veterinary inspection sequential identification numbers may be summarized. This requirement shall not apply to castrated male goats that are not subject to the Scrapie Eradication Program.  | This change exempts certain classes of low-risk, castrated male goats from the identification requirements for goats and sheep; identification of such animals may be burdensome to producers.  |
| 5-141-90* | C. All goats and sheep 12 months of age or older imported into Virginia for dairying purposes shall be negative to a tuberculosis test within 60 days prior to entry. All other goats and sheep originating from a region considered free of tuberculosis for cattle by the USDA may enter Virginia without tuberculosis testing.               | C. All goats and sheep 18 months of age or older imported into Virginia for dairying purposes shall be negative to a tuberculosis test within 60 days prior to entry. This requirement shall not apply to:<br>1. Goats and sheep 18 months of age or older imported into Virginia for dairying purposes consigned directly from an accredited tuberculosis-free herd provided the accreditation number and date of the last herd test are listed on the certificate of veterinary inspection; or<br>2. Goats and sheep 18 months of age or older intended for dairying purposes entering Virginia for a period of ten days or less for exhibition purposes provided they originate from a region considered free of tuberculosis for cattle by the USDA and no change of ownership occurs. | This change makes the tuberculosis testing requirements for dairying goats and sheep consistent with those for cattle; it also offers goat and sheep producers advantage of the same exemptions offered for cattle in relation to accreditation programs and exhibitions. |
| 5-141-90  | G. Goats and sheep from a farm of origin in a state adjoining Virginia and from a region therein considered free of tuberculosis and brucellosis for cattle by the USDA may   | G. Goats and sheep from a region considered free of tuberculosis and brucellosis for cattle by the USDA may enter Virginia for the purpose of sale at an approved livestock  | This change institutes language that better reflects the logistics of the livestock marketing system, and accommodates the  |

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|  | <p>enter Virginia for the purpose of sale at an approved livestock market without a certificate of veterinary inspection and without tuberculosis testing if otherwise required provided:</p> <ol style="list-style-type: none"> <li>1. Such goats and sheep bear required individual identification; and</li> <li>2. The approved livestock market maintains for at least 2 years and makes available to the State Veterinarian a record of the consignor of such goats and sheep, the identification numbers of the goats and sheep he consigns, and the buyer of such.</li> </ol> | <p>market without a certificate of veterinary inspection and without tuberculosis testing if otherwise required provided:</p> <ol style="list-style-type: none"> <li>1. Such goats and sheep bear any required individual identification upon entry to the approved livestock market or have such applied at the approved livestock market; and</li> <li>2. The approved livestock market maintains for at least 5 years and makes available to the State Veterinarian a record of the consignor of such goats and sheep, the identification numbers as required of the goats and sheep he consigns, and the buyer of such.</li> </ol> | <p>identification exemption described above.</p> |
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**Public comment**

*Please summarize all comments received during the public comment period following the publication of the proposed stage, and provide the agency response. If no comment was received, please so indicate.*

The following comments were received from organizations:

| <b>Commenter</b>                                     | <b>Comment</b>  | <b>Agency response</b>  |
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| <p>Virginia Academy of Food Animal Practitioners</p> | <p>The commenting organization suggests that an exemption from the tuberculosis testing requirement for cattle be extended to growers and backgrounders of cattle, provided such cattle enter the state with a CVI and such individuals maintain and provide to the State Veterinarian a record of the owner, identification numbers, and location housed of such cattle.</p> | <p>Rather than extend further exemptions to the tuberculosis testing requirements for cattle to encompass such situations, the agency has determined it is appropriate to increase the age at which tuberculosis testing of cattle is required from 12 months to 18 months. The agency maintains this will eliminate a significant number of animals of concern to the organization from testing.</p> |
| <p>Virginia Agribusiness Council</p>                 | <p>The commenting organization is supportive of the proposed regulation in general and the identification requirements specifically, and indicates industry support from their membership for</p>   | <p>The agency concurs.</p>  |

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|  | the proposed changes to the camelid, cattle, pork, and poultry entry requirements.  |   |
| Virginia Alpaca Owners and Breeders Association        | <p>The commenting organization is supportive of the changes to the camelid entry requirements, and indicates that they are crucial to the continued viability of their industry in Virginia. The organization is also supportive of the identification requirements.</p> <p>Ms. Linda Polak spoke on behalf of the organization at the public meeting supporting the written comments.</p>  | The agency concurs.   |
| Virginia Cattlemen’s Association                       | <p>The commenting organization is supportive of the proposed regulation, and offers specific support for the identification and testing requirements for cattle.</p>  | The agency concurs.   |
| Virginia Farm Bureau                                   | <p>The commenting organization is supportive of the proposed regulation, and offers specific support for the identification and testing requirements for cattle. The organization also supports the avian entry requirements referencing the State Veterinarian’s ability to issue timely proclamations concerning avian influenza.</p> <p>Mr. Wilmer Stoneman spoke on behalf of the organization at the public meeting supporting the written comments.</p> | The agency concurs.   |
| Virginia Independent Consumers and Farmers Association | <p>The commenting organization is opposed to the animal identification requirements that the proposed regulation places on certain classes of animals imported into Virginia. The organization is concerned that these requirements reflect the former National Animal Identification System program.</p> <p>Mr. Wayne Bolton, President, spoke on behalf of the organization at the public meeting</p>   | The agency maintains that certificates of veterinary inspection currently require animal identification, and that the proposed regulation clarifies what such identification may consist of. Proper identification of all classes of imported agricultural animals listed in the proposed regulation is critical to protecting the health of Virginia agricultural animal populations and ensuring that interstate and international markets remain open to Virginia’s producers regardless of the scale of their operations. |

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|  | supporting the written comments.   |   |
| Virginia Livestock Markets Association | The commenting organization proposes several changes to the cattle entry requirements. They propose that cattle be allowed to enter Virginia without identification so long as such is applied at the first point of concentration within the state, that USDA back tags be considered official identification for slaughter cattle, that identification is not required for cattle under 18 months of age, and that the state bears the cost of identification devices. | The agency has amended the proposed regulation to allow for identification to be applied at approved livestock markets, for USDA back tags to be considered official identification for cattle consigned directly to slaughter, and to exempt cattle 18 months of age or younger not of a dairy type and intended for feeding from identification. The agency is not able to commit to bearing the cost of such identification, but will provide assistance to the extent resources allow.  |
| Virginia Pork Industry Association     | The commenting organization is supportive of the proposed swine entry requirements, and specifically of the swine identification requirements.   | The agency concurs.   |
| Virginia Poultry Federation            | The commenting organization is generally supportive of the avian entry requirements, and specifically of referencing the State Veterinarian's ability to issue timely proclamations concerning avian influenza. The organization proposes that the Mycoplasma gallisepticum certification requirements found in the current regulation not be eliminated as proposed.  | The agency concurs that the State Veterinarian's ability to rapidly issue avian influenza proclamations in response to specific threats needs to be referenced in the proposed regulation. The agency maintains that elimination of the Mycoplasma gallisepticum requirements contained in the current regulation will better facilitate the trade in poultry and hatching eggs between small-scale, independent, and/or hobbyist poultry producers in Virginia and other states. Mycoplasma gallisepticum presents a uniform risk across all states, and the requirements already in place for approval numbers and NPIP participation will mitigate the risk posed by this disease. |
| Virginia State Dairy Goat Association  | The commenting organization proposes that an exemption to the tuberculosis testing requirement for dairying goats and sheep be offered for animals entering Virginia temporarily for exhibition purposes. The organization questions the merit of the brucellosis testing requirements for exhibition cattle, and requests that those for goats and sheep be consistent with cattle. The organization is   | The agency concurs that an exemption from the tuberculosis testing requirements for dairy goats and sheep entering Virginia temporarily for exhibition is appropriate, and has amended the proposed regulation accordingly. The agency feels that brucellosis testing of animals entering Virginia, even for exhibition purposes, is appropriate if they originate from an area not considered free of brucellosis for cattle. The agency has amended the identification requirements to exclude certain classes of castrated male goats, but otherwise feels   |

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|                                       | <p>opposed to the specific goat and sheep identification requirements and to the identification requirements in general.</p> <p>Ms. Christine Solem spoke on behalf of the organization at the public meeting supporting the written comments and questioning the legitimacy of this regulatory process.</p> | <p>that the identification requirements are appropriate.</p> <p>The agency disputes the organization's assertion that this regulatory action is improper.</p> |
| Virginia State Dairymen's Association | The commenting organization is supportive of the proposed regulation, and offers specific support for the identification and testing requirements for cattle.  | The agency concurs.   |

The following comments were received from individuals:

| Commenter   | Comment  | Agency response   |
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| Sue Ives, Barb and Marc Sodums, John and Robin Watson, Denise Caldwell, Dawn Dolpp, Chris Arnold, Ralph Muraca, Dwight and Deborah Bailey, Catherine Brown, Christiane Rudolf, Dave and Elaine Lawson, Perry, Jeanne Wilson, Don Brown, David McLeish Jr., Rick Horn, Judy Howe, Al Dillon, Dedrea Greer, Carolyn Hitchcock, Russ Pond, Andrea Cote, Jackie Imel, Kim Shand, Larry Gross, Teri Phipps and David Schieferstein, Margaret Hamilton, Paige Mcgrath, Tabbethia Haubold-Magee, Richard and Gayle Dumas, Joan Sorensen, Linda Brown, Val Carmichael, Katrina, Infinity Acres Petting Ranch LLC, Marion Shaw, Jo Ann McGrath, Jerry Ayers, | 49 comments received that support the elimination of routine bluetongue, brucellosis, and tuberculosis testing of imported camelids. Many of these comments also indicate that the current regulation is burdensome to the camelid industry generally and to camelid exhibitions specifically. | The agency concurs that the current bluetongue, brucellosis, and tuberculosis testing requirements for camelids are outmoded and burdensome to the industry; the proposed regulation addresses this problem and does not place undue burden on camelid owners and breeders. |

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| <p>Seipp, Gwen Hays and Clyde Humphrey, Michael Graham, Sue Hammer, Nancy Sottosanti, Annie Higginbotham, Terese Evenson, Judy Ross, Carol Reigh, Denise Milsten, Cheri Seiler</p>   |   |   |
| <p>Mary Chadduck, Mary Cush, Ana Mahoney, David Schwartz, Karen Mulhern, Gary Scott, Noah, Robin, Deborah Spear, Joan Graham, Kimball Egge, Chris, Hannah, Jeff Hunter, Mary Sue Laing, [top hot girls], Alice, Chantel McSkimming, Steve Kroeger, Jean Altice, Richard Altice, Elena Day, Mark Reynolds, Kimberly Richard</p> | <p>24 comments received that indicate that the entry regulations generally or the animal identification requirements specifically are burdensome to small farmers and/or favor large-scale agribusiness. Many of these comments reflected a perception that the animal identification requirement or the regulations in general applied to all animals in Virginia.</p>   | <p>The agency maintains that certificates of veterinary inspection currently require animal identification, and that the proposed regulation clarifies what such identification may consist of. Proper identification of all classes of imported agricultural animals listed in the proposed regulation is critical to protecting the health of Virginia agricultural animal populations and ensuring that interstate and international markets remain open to Virginia's producers regardless of the scale of their operations. The agency reiterates that the proposed regulation only applies to the importation of animals into Virginia and will not place new burdens on the owners of animals already in the Commonwealth.</p> |
| <p>Verne Leininger, Tracy Lukeman, Ed Vasilcik, Mary Welch</p>   | <p>4 comments received indicating that the current poultry importation requirements are overly restrictive and serve as a barrier to small flock owners being able to acquire breeding stock from their peers in other states. These comments support elimination of the Mycoplasma gallisepticum requirements found in the current regulation. In addition, 2 of these comments were also opposed to the general animal identification requirements.</p> | <p>The agency concurs that elimination of the Mycoplasma gallisepticum requirements contained in the current regulation will better facilitate the trade in poultry and hatching eggs between small-scale, independent, and/or hobbyist poultry producers in Virginia and other states. Mycoplasma gallisepticum presents a uniform risk across all states, and the requirements already in place for approval numbers and NPIP participation will mitigate the risk posed by this disease.</p>   |
| <p>Don Gardner, DVM</p>  | <p>Proposes an extension of the tuberculosis testing requirement exemption to cattle that enter Virginia temporarily and without change of ownership for feeding or rearing purposes.</p>   | <p>Rather than extend further exemptions to the tuberculosis testing requirements for cattle to encompass such situations, the agency has determined it is appropriate to increase the age at which tuberculosis testing of cattle is required from 12 months to 18 months.</p>   |
| <p>Laurie Landeau, DVM</p>   | <p>Indicates inconsistencies within the companion animal entry requirements and exemptions</p>  | <p>The agency concurs that companion animals entering Virginia temporarily for recreational purposes other than hunting or</p>  |

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|                       | thereto, specifically the allowance of animals to enter for exhibition or hunting but not other recreational activities without a CVI.   | exhibition do not pose a greater threat to Virginia’s companion animal populations than animals entering for exhibition or hunting; however these are statutory requirements that the proposed regulation must reflect.   |
| Sue Benner Garvin     | Proposes an exemption from the tuberculosis testing requirements for dairy goats and sheep entering Virginia temporarily for exhibition or originating from a herd that participates in the tuberculosis-free herd accreditation program.  | The agency concurs, and the final regulation incorporates these elements.   |
| Suzi Croes            | Indicates that the proposed regulation, and specifically the identification requirements, is overly burdensome and costly to small producers.  | The agency maintains that identification of all classes of imported agricultural animals listed in the proposed regulation is critical to protecting the health of Virginia agricultural animal populations and ensuring that interstate and international markets remain open to Virginia’s producers regardless of the scale of their operations.   |
| Lois Smith            | Indicates that agriculture should not be regulated; that regulations place an undue burden on small producers.   | The agency maintains that regulating the importation of animals into Virginia is critical to ensuring the continued health of Virginia’s companion and agricultural animal populations, and ensuring access to interstate and international markets for both small and large producers.   |
| Elizabeth VanDeventer | Supports placing identification requirements for poultry shipments at hatcheries, but indicates that further regulation should not prevent small-scale poultry production in favor of integrated production systems.   | The agency feels that the proposed poultry entry requirements, in their entirety, will better facilitate the importation of poultry by small and/or independent producers.  |
| Philip Morris         | Proposes that all cattle entering Virginia livestock markets be treated the same regardless of state of origin, and that all and only breeding stock be identified. Also proposes that buying stations be considered in the same fashion as livestock markets in respect to this regulation. | The agency has amended the proposed regulation to require all cattle (provided they are not non-dairy type cattle 18 months of age or younger intended for feeding purposes) offered for sale at approved livestock markets be identified should the market choose to utilize the exemptions offered from CVI and testing requirements. The agency does not feel that it is appropriate to extend the same exemptions to buying stations. |
| Tom Mathes            | Proposes that the poultry entry  | The agency feels that the current poultry   |

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|  | requirements not be modified from their current form. | and psittacine bird entry requirements are outdated and non-comprehensive, and that the proposed avian entry requirements better reflect current small and large scale poultry production systems and disease threats. |
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**All changes made in this regulatory action**

*Please detail all changes that are being proposed and the consequences of the proposed changes. Detail new provisions and/or all changes to existing sections.*

| <b>Current section number</b> | <b>Proposed new section number, if applicable</b> | <b>Current requirement</b>   | <b>Proposed change and rationale</b>   |
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| 2 VAC 5-140-10                | 2 VAC 5-141-10                                    | Definitions                  | Definitions have been redrawn to ensure that all classes of animals imported into Virginia and subject to the legal authority for this regulation are included. Scientific nomenclature has been used to ensure that all subject animal species are incorporated under the appropriate definition. Definitions have been updated and added as necessary to reflect current animal industry and animal disease control terminology. |
| 2 VAC 5-140-20                | 2 VAC 5-141-20                                    | Official health certificates | The official health certificate has been renamed the certificate of veterinary inspection as per current industry usage. The required components of the certificate of veterinary inspection and associated disease testing have been updated to ensure accuracy and allow enhanced traceability of imported animals.  |
| None                          | 2 VAC 5-141-30                                    | None                         | Defines the methods of identification for cattle, goats, horses, sheep and swine. The intent of these requirements is to clarify the acceptable forms of identification for the listed species.  |
| 2 VAC 5-140-30                | 2 VAC 5-141-40                                    | Entry by permit only         | Provision has been made whereby animals intended for bona fide research by a recognized institution that would otherwise be barred entry by the body of the regulation may enter Virginia under a permit issued by the State Veterinarian.   |

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| 2 VAC 5-140-40                  | 2 VAC 5-141-50 | Common carriers, trucks  | No substantive changes have been made.   |
| 2 VAC 5-140-90; 2 VAC 5-140-130 | 2 VAC 5-141-60 | Poultry entry requirements; Psittacine bird entry requirements | Avian entry requirement. The current regulation only sets requirements for poultry and psittacine birds. This has created a situation where all other classes of birds are either immune from any avian testing requirements, or have to be construed to fall under the umbrella of poultry or psittacine birds. The proposed regulation covers all avian species, and references the State Veterinarian's Avian Influenza (H5 and N7) Proclamation. This will allow for avian testing requirements to be set in accordance with the current avian influenza risk level, crucial to protecting Virginia's economically vital poultry industry. Poultry entry requirements are streamlined and updated as necessary. The approval process for shipping of psittacine birds is eliminated. |
| 2 VAC 5-140-50                  | 2 VAC 5-141-70 | Cattle entry requirements                                      | Identification of most imported cattle is mandated. The USDA utilizes several categorization levels for states in which cattle identified with tuberculosis or brucellosis are found. Under the current regulation, there are different entry requirements for the various categorizations. The proposed regulation eliminates these varying requirements, and instead places uniform, stringent requirements on all cattle imported from states where tuberculosis and brucellosis are present. All cattle 18 months of age and older entering Virginia will be required to be tuberculosis tested. Exemptions to these requirements are granted to cattle subject to official testing protocols, entering for slaughter or exhibition, or entering for marketing purposes.             |
| 2 VAC 5-140-110                 | 2 VAC 5-141-80 | Dog entry requirements   | Companion animal entry requirements. The current regulation only sets standards for the entry of dogs, and does not account for statutory requirements and exemptions to such regarding the importation of companion animals. Requirements for entry of all classes of companion animals are made consistent with the Code of Virginia. Rabies vaccination is mandated for importation of all dogs and cats over 4 months of age.  |
| 2 VAC 5-140-60; 2 VAC 5-        | 2 VAC 5-140-90 | Sheep entry requirements; Goat entry requirements              | Goat and sheep entry requirements have been combined to reflect their joint subjectivity to scrapie control programs, and  |

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| 140-100         |                 |                           | tuberculosis and brucellosis risk. Identification of most imported goats and sheep is mandated. All goats and sheep 18 months of age and older imported into Virginia for dairying purposes will require tuberculosis testing with exemptions for herd accreditation and exhibition. All goats and sheep entering Virginia from a state not considered free of tuberculosis or brucellosis for cattle will require testing for such. Exemptions are allowed as appropriate. Requirements regarding scabies are removed, and requirements regarding scrapie added.   |
| 2 VAC 5-140-80  | 2 VAC 5-141-100 | Horse entry requirements  | Equine infectious anemia testing requirements are clarified and an exemption is granted for foals 6 months of age or younger accompanied by their dams. Contagious equine metritis testing requirements are clarified. Superfluous language relating to general authority of the State Veterinarian is removed.   |
| 2 VAC 5-140-140 | 2 VAC 5-141-110 | Llama entry requirements  | Other ruminant entry requirements. The current regulation imposes mandatory tuberculosis, brucellosis, and bluetongue testing for all South American camelids imported into Virginia, but does not require any testing of other, exotic ruminant species including deer (of equal or higher risk of infection) entering Virginia. Requires other ruminants imported from states or regions not considered free from tuberculosis or brucellosis for cattle to be tested for such. No testing requirements generally apply to these animals; thereby removing burdensome testing requirements applying only to camelids. |
| 2 VAC 5-140-70  | 2 VAC 5-141-120 | Swine entry requirements  | Identification of imported swine is mandated. Swine entry requirements have been updated to reflect the current distinction made by the USDA and the swine industry between commercial and non-commercial swine. Pseudorabies and brucellosis testing requirements for entry are based upon this distinction in order to reflect the risk of exposure to feral swine, among which these disease are prevalent. Provisions are made for the entry of swine for feeding and slaughter purposes.   |
| 2 VAC 5-140-120 | 2 VAC 5-141-130 | Monkey entry requirements | Monkeys have been redefined as primates, to reflect the full scope of the subject genera.   |

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|  |  |  | Identification requirements have been added. The requirements have been made consistent with the Code of Virginia. |
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**Regulatory flexibility analysis**

*Please describe the agency’s analysis of alternative regulatory methods, consistent with health, safety, environmental, and economic welfare, that will accomplish the objectives of applicable law while minimizing the adverse impact on small business. Alternative regulatory methods include, at a minimum: 1) the establishment of less stringent compliance or reporting requirements; 2) the establishment of less stringent schedules or deadlines for compliance or reporting requirements; 3) the consolidation or simplification of compliance or reporting requirements; 4) the establishment of performance standards for small businesses to replace design or operational standards required in the proposed regulation; and 5) the exemption of small businesses from all or any part of the requirements contained in the proposed regulation.*

There are no alternative regulatory methods. The provision of a CVI and associated disease testing requirements, if any, are the accepted standard for animal movement both interstate and internationally. The proposed regulation contains provisions to mitigate the impact of increased tuberculosis testing requirements for cattle and other dairying animals when possible, in order to mitigate its effects on small businesses such as independent animal slaughter facilities and livestock markets.

**Family impact**

*Please assess the impact of the proposed regulatory action on the institution of the family and family stability including to what extent the regulatory action will: 1) strengthen or erode the authority and rights of parents in the education, nurturing, and supervision of their children; 2) encourage or discourage economic self-sufficiency, self-pride, and the assumption of responsibility for oneself, one’s spouse, and one’s children and/or elderly parents; 3) strengthen or erode the marital commitment; and 4) increase or decrease disposable family income.*

The agency estimates that overall the proposed regulatory action will have a neutral impact on family and family stability across the state. The agency recognizes that lack of adequate animal disease control can have a devastating impact on a farm family that depends on the Commonwealth’s protection of its animals in maintaining profitability and economic stability. To the extent that the proposed regulatory changes will provide greater protection for agricultural enterprises, they will provide greater financial stability for hundreds of families who depend on agricultural animals for income.